

CITY COUNCIL MINUTES-Draft

August 10, 2015

c) Standard Purchasing Resolution 2: Low Bidder Meeting Specifications - Topsoil

Resolution #2015-08-104-J-04c

RESOLVED, That Troy City Council hereby **AWARDS** a two (2) year contract to provide topsoil with an option to renew for one (1) additional year to the low bidder meeting specification; *Spurt Industries of Grand Haven, MI* at an estimated total cost of \$73,800.00. Topsoil is to be purchased on as needed basis at unit prices contained in the bid tabulation opened July 23, 2015, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with contracts expiring June 30, 2018.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon the contractor's submission of properly executed bid documents, including insurance certificates and all other specified requirements.

Reg. 2015-10000479

BLANKET ORDER

No. 2015-00002609

DATE: 08/14/2015

PAGE: 1 of 1

FOB DESTINATION

Ship To

CITY OF TROY
Parks - Municipal Grounds
4695 ROCHESTER ROAD
TROY, MI 48085

Bill To

CITY OF TROY
Parks - Municipal Grounds
4695 ROCHESTER ROAD
TROY, MI 48085

VENDOR NO. 170595

EXPIRATION DATE

06/30/2017

COUNCIL RESOLUTION

2015-08-104-J-04c

Vendor

SPURT INDUSTRIES
P.O. BOX 248
GRAND HAVEN, MI 49417

COPY

QUANTITIES ARE ESTIMATED AND WILL BE ORDERED AS NEEDED

QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
3,000	Ton	TOP SOIL DELIVERED - FY 2015-2016	12.0000	\$36,000.00
3,000	Ton	TOP SOIL DELIVERED - FY 2016-2017	12.6000	\$37,800.00
<p>-----Delivery:</p> <p>Minimum shipment: 50 cubic yards within 48 hours of a request to be delivered as per all bid specifications of ITB-COT 15-25 and as per attached detailed pricing.</p>				

Entered By: MaryBeth Murz

\$73,800.00

Special Instructions:

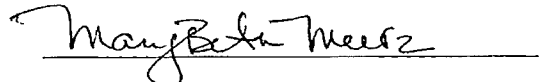
Quantities stated above are estimated and will be ordered as needed. FURNISH Two-year requirements of Topsoil with an Option to Renew for One Additional Year; in accordance with the specifications of ITB-COT 15-25 at the prices stated above. INSURANCE REQUIRED TO BE ON FILE. City Council Award Date: 8/10/2015.

TERMS & CONDITIONS

- Purchases of Municipalities are exempt from State Sales and Federal Excise Taxes.
- Prior to acceptance, vendor agrees to provide City with information under the Right-to-Know Law, P.A. 1986, No. 80, and fully comply with all terms and conditions of the Michigan Occupational Safety and Health Act, MCL 408.1001, et seq. including vendor shall provide City with an "MSDS". Vendor also agrees to be responsible for all required labeling.
- In cases of emergency/disaster, the City can purchase up to six(6) times the order amount for a period of six(6) months at the price contained in the contract.
- Purchase Orders are signed electronically based upon computer generated "on-line" authorized approvals. Authentic signatures are on file in the City of Troy Purchasing Department.

NOTICE: The City could put the vendor on notice that vendors will be held financially responsible for any claims or awards made against the City as a result of the vendor's action. If the City has to defend the initial lawsuit, the City will bring in the vendor as a co-defendant or sue the vendor, either as the result of settling a claim or the conclusion of the lawsuit.

I HEREBY CERTIFY THAT THIS ORDER IS PROPERLY AUTHORIZED AND APPROVED.



CITY OF TROY
PURCHASE ORDER
TOPSOIL

VENDOR NAME:

Spurt Industries
Grand Haven, MI

Proposal: FURNISH TWO (2) YEAR REQUIREMENTS OF TOPSOIL WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR.

<u>Estimated Quantity (Cubic Yards)</u>	<u>Delivered</u>
3,000	TOPSOIL 2015/2016
3,000	TOPSOIL 2016/2017

ESTIMATED GRAND TOTAL:

DELIVERY: Minimum Shipment:
Within Hours of Phone Release

CONTACT INFORMATION:
Hours of Operation
Phone Number

INSURANCE: Can Meet
Cannot Meet

TERMS:

EXCEPTIONS:

ACKNOWLEDGEMENT: Completed Y or N

FORMS: Y or N

UNIT PRICE
\$12.00
\$12.60
\$73,800.00
50 cubic yards
48
7am-5pm
248-912-4279
X
30 days
Blank
Y
Y

VENDOR NAME:

Spurt Industries
Grand Haven, MI

Anderson Excavating
Waterford, MI

Proposal: FURNISH TWO (2) YEAR REQUIREMENTS OF TOPSOIL WITH AN OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR.

<u>Estimated Quantity (Cubic Yards)</u>	<u>Delivered</u>
3,000	TOPSOIL 2015/2016
3,000	TOPSOIL 2016/2017

ESTIMATED GRAND TOTAL:

DELIVERY: Minimum Shipment:
Within Hours of Phone Release

CONTACT INFORMATION:
Hours of Operation
Phone Number

INSURANCE: Can Meet
Cannot Meet

TERMS:

EXCEPTIONS:

ACKNOWLEDGEMENT: Completed Y or N

FORMS: Y or N

UNIT PRICE	UNIT PRICE
\$12.00	\$13.25
\$12.60	\$14.00
\$73,800.00	\$81,750.00
50 cubic yards	40 cubic yards
48	48
7am-5pm	8am-5pm
248-912-4279	248-682-7900
X	X
30 days	Net 30
Blank	Blank
Y	Y
Y	Y

Denotes low bidder meeting specifications.

DMS:

Country Oaks Landscape Supply I: Bid was received late.

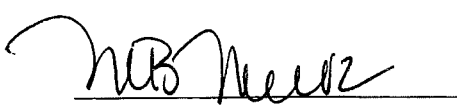
ATTEST:

MaryBeth Murz

Sara Teetz

Ashley Levin

Natalie A Steflja


MaryBeth Murz,
Purchasing Manager

Grand Haven - offices

Zealand
W. Olive
Musk.

Caledonia

Wixom



**CITY OF TROY
BID PROPOSAL**

**ITB-COT 15-25
Page 1 of 4**

The undersigned proposes to furnish **TWO (2) YEAR REQUIREMENTS OF TOPSOIL WITH AN OPTION TO RENEW FOR ONE ADDITIONAL YEAR**, in accordance with the specifications attached hereto and to be considered an integral part of the proposal at the following price:

COMPANY NAME: SPURT INDUSTRIES

PROPOSAL: TOPSOIL IN ACCORDANCE WITH SPECIFICATIONS

ESTIMATED QUANTITY: 3,000 Cubic Yards (per year)

2015/ 2016	\$ <u>12.00</u>	Per Cubic Yard
2016/ 2017	\$ <u>12.60</u>	Per Cubic Yard

ESTIMATED QUANTITIES:

Quantities stated are estimated in good faith but not guaranteed. They will be used for award purposes and are based on past usage. The City of Troy will not be penalized for buying more or less than the stated quantities

DELIVERY:

All topsoil will be F.O.B. delivered freight paid to DPW yard, 4693 Rochester Rd. and/or City job sites in accordance with specifications on an as needed basis.

MINIMUM SHIPMENT: 50 cubic YARDS
within 48 hours of a phone release.

Delivery will be on an "as needed basis". The supplier will deliver and unload the topsoil from his trucks to the city of Troy job sites.

DOWNPAYMENTS AND PREPAYMENTS:

Any proposal submitted which requires a down payment or prepayment of any kind prior to receipt of material and acceptance of the material as being in conformance with specifications will not be considered for award.

AWARD:

The City of Troy reserves the right to award this bid to the lowest total responsible bidder meeting specifications; to reject low bids which have major deviations from the specifications; to accept a higher bid which has only minor deviations.

ADDITIONAL INFORMATION:

For additional information or questions concerning this contract, please contact **Emily Frontera**, at (248) 524-3373.

CONTACT INFORMATION:

Hours of operation:

7am - 5pm

Contact

Phone

No.

248-912-4279

INSURANCE: Insurance requirements shall be in accordance with the attached SAMPLE INSURANCE CERTIFICATE. The required Insurance Certificate must be submitted, within five (5) business days of the verbal/ electronic request after the bid award. The Insurance Certificate may be faxed to the Purchasing Manager at (248) 619-7608, and is the only bid document accepted in this format.

- ☒ We can meet the specified insurance requirements.
- ☐ We cannot meet the specified insurance requirements.
- ☐ We do not carry the specified limits but can obtain the additional insurance coverage of \$ _____ at the cost of \$ _____.
NOTE: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.
- ☐ Our proposal is reduced by \$ _____ if we lower the requirement to \$ _____.
NOTE: Please note the amendments on a sample insurance certificate and attach it to your bid proposal.

IMPORTANT: A Certificate of Insurance on an ACORD Form and Endorsement showing present coverage SHOULD be attached to the proposal document at the time of submission of the proposal to the Office of the City Clerk.

NOTE: Failure on the part of any bidder to contact his/her insurance carrier to verify that the insurance carried by the bidder meets City of Troy specifications may result in this proposal being completed incorrectly.

OTHER: Sole proprietors must execute a certificate of exemption from Worker's Compensation requirements or provide proof of Worker's Compensation Insurance. All coverage shall be with insurance carriers licensed and admitted to do business in Michigan and acceptable to the City of Troy.

INSURANCE VERIFICATION:

A bidder shall complete the above portion, which details additional costs that may be incurred for specified coverage without purchasing the additional coverage prior to bid submission.

Letter Verification: The recommended bidder will be notified to submit a letter from the *insurance agent or carrier* that the insurance to be supplied will meet specifications. As an alternative, the recommended bidder may submit the certificate of insurance meeting specifications at this time at his/ her option. ***The City must receive this letter or certificate within 5 business days after verbal / electronic notification has been delivered to the recommended bidder or the bidder will be considered non-responsive and the bid un-awardable.*** This process will occur before presentation of the award recommendation to the Troy City Council.

Final Insurance Certificate Submission: After approval by Troy City Council, the City of Troy will provide verbal/electronic notification to submit within five (5) business days an insurance certificate in accordance with specifications. The City of Troy reserves the right to WITHHOLD AND KEEP any bid surety for failure to comply. The company will be considered in default of contract and will be barred from doing business with the City of Troy for a minimum of three (3) years for failing to meet insurance requirements.

COMPANY NAME: _____

SPURT INDUSTRIES

REFERENCES:

Please list at least three (3) clients who have recently had similar work performed by your company.

COMPANY: CITY OF WIXOM
ADDRESS: 2645 CHARMS RD
PHONE: 248-624-0446 CONTACT: TIM SIKMA
EMAIL: DPWADMIN@WIXOMGA.ORG

COMPANY: MUSKEGON TOWNSHIP
ADDRESS: 101 S. QUARTERLINE RD
PHONE: 231-773-8458 CONTACT: JERRY SANDERS
EMAIL: JSANDERS@MUSKEGONTWP.ORG

COMPANY: REDLINE EXCAVATING
ADDRESS: 467 E. LAKEWOOD BLVD
PHONE: 616-396-1577 CONTACT: TOM
EMAIL: N/A

SUBCONTRACTORS:

The undersigned agrees to submit a list of proposed subcontractors, if applicable, for approval by the designated City representative within 72 hours after notification of being the low qualified bidder. It will be understood that this may occur prior to bid award, but the bidder's status will not be final until approved by the Troy City Council.

It will be the successful bidder's responsibility to ensure that any subcontractor performing work on this project is capable of doing the work as specified. The designated City representative retains the right to evaluate the work performed by or on behalf of the successful bidder and reserves the right to reject any work performed that is not in accordance with the specifications or is considered to be poor workmanship. Payment will not be made until the successful bidder has corrected any deficiencies found to the satisfaction of the designated City representative.

LOCAL PREFERENCE:

If the bid of a local vendor, one who pays taxes to Troy, is within 5% of the lowest responsive and responsible non-local bidder, then the local vendor is given one chance to match the low bid, all other provisions being equal.

CONTRACT FORMS:

Bidders should complete the Legal Status of Bidder, Non-Collusion Affidavit, Certification regarding Debarment and the Certification regarding "Iran Linked Business" forms and return with your bid proposal.

COMPANY NAME: SPORT INDUSTRIES

SIGNATURE PAGE

PRICES: Prices shall remain firm for 60 days or bid award, whichever comes first, except the successful bidder whose prices shall remain firm for the entire contract period, which shall commence on date of award or July 1, 2015, and expire June 30, 2017. The contract may be renewed for one (1) additional year under the same prices, terms and conditions based upon mutual consent of both parties within 90 days of contract termination. A request by City staff to determine a successful bidder's interest in renewing a contract in no way obligates the City.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: 

NOTE: The undersigned has checked carefully the bid figures and understands that he/she shall be responsible for any error or omission in this bid offer and is in receipt of all addenda as issued.

TAX ID: 20-8548197

COMPANY: SPORT INDUSTRIES

ADDRESS: P.O. Box 248 CITY: Grand Haven STATE: MI ZIP: 49417

TELEPHONE #: 231-799-4890 FAX #: 231-799-4891

REPRESENTATIVE'S NAME: Michael J. Moore

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: 

PAYMENT TERMS 30 days WARRANTY: N/A

E-MAIL: MIKE@SPORTINDUSTRIES.COM DELIVERY: FOB

EXCEPTIONS: Any exceptions, substitutions, deviations, etc. from the City specifications and this proposal must be stated below. The reason(s) for the exception, substitution, or deviation are an integral part of this bid offer:

ACKNOWLEDGEMENT:

I, Mike Moore, certify that I have read the **Instructions to Bidders** (2 Pages) and that the bid proposal documents contained herein were obtained directly from the City's Purchasing Department or MITN website, www.mitn.info and is an official copy of the Authorized Version.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE 

IMPORTANT: All City of Troy purchases require a MATERIAL SAFETY DATA SHEETS, where applicable, in compliance with the MIOSHA "Right to Know" Law.

NOTE: The City of Troy, at their discretion, may require the bidder(s) to supply a Financial Report from an impartial Financial Credit Reporting Service before award of contract.

U.S. FUNDS: All prices quoted are to be in U.S. currency.



Legal Status of Bidder:

The Bidder shall fill out the appropriate form and strike out the other two:

A **corporation** duly organized and doing business under the laws of the State of Michigan
for whom SPUR INDUSTRIES, bearing the office title of ACCOUNT SPECIALIST
_____, whose signature is affixed to this proposal, is duly authorized to execute contracts.

A **partnership**, all members of which, with addresses, is:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

AN **INDIVIDUAL**, WHOSE SIGNATURE IS AFFIXED TO THE PROPOSAL:

[Signature] 7/21/15



CITY OF TROY
OAKLAND COUNTY, MICHIGAN
NON-COLLUSION AFFIDAVIT

TO WHOM IT MAY CONCERN:

Michael J. Mocere
(Print Full Name), being duly sworn deposed, says that he/she

is Account Specialist. The party making the foregoing proposal or bid,
(State Official Capacity in Firm)

that such bid is genuine and not collusion or sham; that said bidder has not colluded, conspired, connived, or agree, directly or indirectly, with any bidder or person, to put in a sham bid or to refrain from bidding and has not in any manner directly or indirectly sought by agreement or collusion, or communication or conference, with any person to fix the bid price or affiant or any other bidder, or to fix any overhead, profit, or cost element of said bid price, or that of any other bidder, or to secure the advantage against the City of Troy or any person interested in the proposed contract; and that all statements contained in said proposal or bid are true.

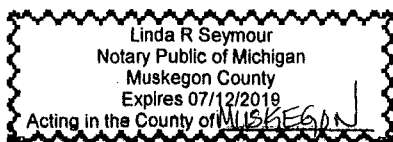
[Signature]
SIGNATURE OF PERSON SUBMITTING BID

Linda R. Seymour
NOTARY'S SIGNATURE

Subscribed and sworn to before me this 21st day of July, 2015
in and for Muskegon County.

My commission expires:

07/12/2019





**CERTIFICATION REGARDING
DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS**

The prospective participant certifies, to the best of its knowledge and belief, that it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in transactions under any non-procurement programs by any federal, state or local agency.
2. Have not, within the three year period preceding, had one or more public transactions (federal, state, or local) terminated for cause or default; and
3. Are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) and have not, within the three year period preceding the proposal, been convicted of or had a civil judgment rendered against it:
 - a. For the commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public transaction (federal, state, or local), or a procurement contract under such a public transaction;
 - b. For the violation of federal, or state antitrust statutes, including those proscribing price fixing between competitors, the allocation of customers between competitors, or bid rigging; or
 - c. For the commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.

I understand that a false statement on this certification may be grounds for the rejection of this proposal or the termination of the award. In addition, the general grant of this authority exists within the City's Charter, Chapter 12, Section 12.2- Contracts.

☒ **I am able to certify to the above statements.**

SPORT INDUSTRIES

Name of Agency/Company/Firm (Please Print)

Michael J. Molera

Name and title of authorized representative (Please Print)

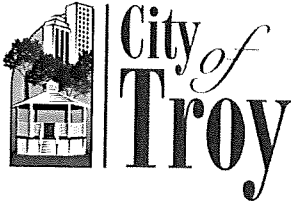
[Signature]

Signature of authorized representative

7/21/15

Date

☒ **I am unable to certify to the above statements. Attached is my explanation.**



**VENDOR CERTIFICATION
THAT IT IS NOT AN
"IRAN LINKED BUSINESS"**

Pursuant to Michigan law, (the Iran Economic Sanctions Act, 2012 PA 517, MCL 129.311 et seq.), before accepting any bid or proposal, or entering into any contract for goods or services with any prospective Vendor, the Vendor must first certify that it is not an "IRAN LINKED BUSINESS", as defined by law.

Vendor	
Legal Name	SPORT INDUSTRIES
Street Address	P.O. 248
City	GRAND HAVEN
State, Zip	MI 49417
Corporate I.D. Number/State	MICHIGAN
Taxpayer I.D. #	20-8548157

The undersigned, with: 1.) full knowledge of all of Vendors business activities, 2.) full knowledge of the requirements and possible penalties under the law MCL 129.311 et seq. and 3.) the full and complete authority to make this certification on behalf of the Vendor, by his/her signature below, certifies that: the Vendor is NOT an "IRAN LINKED BUSINESS" as required by MCL 129.311 et seq., and as such that Vendor is legally eligible to submit a bid and be considered for a possible contract to supply goods and/or services to the City of Troy.

Signature of Vendor's Authorized Agent:

Printed Name of Vendor's Authorized Agent:

Michael J. Moore

Witness Signature:

Printed Name of Witness:

LINDA R. SEYMOUR